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India

EXTRAORDINARY

PART II—Section 1

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MINISTRY OF LAW

New Delhi, the 2nd August, 1952

The following Acts of Parliament received the assent of the President on the 2nd August, 1952 and are hereby published for general information —

THE REPEALING AND AMENDING ACT, 1952

No. XLVIII OF 1952

[2nd August, 1952]

An Act to repeal certain enactments and to amend certain other enactments.

Enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Repealing and Amending Act, 1952

2. **Repeal of certain enactments.**—The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. **Amendment of certain enactments.**—The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

4. **Savings.**—The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE

REPEALS

(See section 2)

Year 1	No. 2	Short title 3	Extent of repeal 4
<i>Regulations</i>			
1818	III	The Bengal State Prisoners Regulation, 1818.	The whole.
1819	II	The Madras State Prisoners Regulation, 1819.	The whole.
1827	XXV	The Bombay State Prisoners Regulation, 1827.	The whole.
<i>Acts of the Governor-General of India in Council</i>			
1839	XX	The Bombay Haqqa Prohibition Act, 1839.	The whole.
1839	XXIV	The Ganjam and Vizagapatam Act, 1839	The whole.
1839	XXIX	The Dower Act, 1839	The whole.
1841	XXIV	The Illusory Appointments and Infants' Property Act, 1841.	The whole.
1843	V	The Indian Slavery Act, 1843 . . .	The whole.
1846	I	The Legal Practitioners Act, 1846 . .	The whole.
1850	XXXIV	The State Prisoners Act, 1850 . . .	The whole.
1853	XX	The Legal Practitioners Act, 1853 . .	The whole.
1854	XXXI	The Conveyance of Land Act, 1854 . .	The whole.
1855	XI	The Mesne Profits and Improvements Act, 1855.	The whole.
1855	XXIII	The Mortgaged Estates Administration Act, 1855.	The whole.
1858	III	The State Prisoners Act, 1858 . . .	The whole.
1866	XXVII	The Indian Trustees Act, 1866 . . .	The whole.
1866	XXVIII	The Trustees' and Mortgagees' Powers Act, 1866.	The whole.
1867	XXIII	The Punjab Murderous Outrages Act, 1867.	The whole.
1870	VIII	The Female Infanticide Prevention Act, 1870.	The whole.

Year 1	No. 2	Short title 3	Extent of repeal 4
<i>Acts of the Governor-General of India in Council—contd</i>			
1881	I	The Taj Mahal's Pension Act, 1881	The whole.
1884	II	The Madras Partition-deeds (Validation) Act, 1884.	The whole.
1898	VI	The Indian Post Office Act, 1898	Section 77.
1898	X	The Indian Insolvency Rules Act, 1898	The whole.
1908	V	The Code of Civil Procedure, 1908	Sections 154 and 155 and the Fourth Schedule.
1911	I	The Opium (Amendment) Act, 1911	The whole.
1917	XXVI	The Transfer of Property (Validating) Act, 1917.	The whole.
<i>Acts of the Indian Legislature</i>			
1924	XIII	The Indian (Specified Instruments) Stamp Act, 1924.	The whole.
1925	XXII	The Salt Law Amendment Act, 1925	The whole.
1929	X	The Indian Census Act, 1929	The whole.
1932	VIII	The Bengal Criminal Law Amendment (Supplementary) Act, 1932.	The whole.
1933	IX	The Provincial Criminal Law Supplementing Act, 1933.	The whole.
1940	XVIII	The National Service (European British Subjects) Act, 1940.	The whole.
1941	II	The Indian Merchandise Marks (Amendment) Act, 1941.	The whole.
1941	XXI	The Federal Court Act, 1941	The whole.
1942	XIII	The Agricultural Produce (Grading and Marking) (Amendment) Act, 1942.	The whole.
1942	XIV	The Indian Tolls (Army) (Amendment) Act, 1942.	The whole.
1942	XXVI	The Federal Court (Supplemental Powers) Act, 1942.	The whole.
<i>Acts of the Dominion Legislature</i>			
1949	III	The Indian Emigration (Amendment) Act, 1949.	The whole.

Year 1	No. 2	Short title 3	Extent of repeal 4
		<i>Acts of the Dominion Legislature — contd.</i>	
1949	V	The Protective Duties (Amendment) Act, 1949.	The whole.
1949	VI	The Public Debt (Central Government) Amendment Act, 1949.	The whole.
1949	IX	The Code of Criminal Procedure (Amendment) Act, 1949.	The whole.
1949	XI	The Railways (Transport of Goods) Amendment Act, 1949.	The whole.
1949	XII	The Protective Duties (Miscellaneous Provisions) Act, 1949.	The whole.
1949	XV	The Code of Criminal Procedure (Second Amendment) Act, 1949.	The whole.
1949	XVI	The Governor General's Salary (Exemption from Taxation) Act, 1949.	The whole.
1949	XVII	The Criminal Law (Removal of Racial Discriminations) Act, 1949.	The whole.
1949	XIX	The Essential Supplies (Temporary Powers) Amendment Act, 1949.	The whole.
1949	XXV	The Indian Tea Control (Amendment) Act, 1949.	The whole.
1949	XXVII	The Bombay Port Trust (Amendment) Act, 1949.	The whole.
1949	XXVIII	The Coal Mines Labour Welfare Fund (Amendment) Act, 1949.	The whole.
1949	XXIX	The Dock Workers (Regulation of Employment) Amendment Act, 1949.	The whole.
1949	XXX	The Public Companies (Limitation of Dividends) Act, 1949.	The whole.
1949	XXXI	The Indian Wireless Telegraphy (Amendment) Act, 1949.	The whole.
1949	XXXII	The Code of Civil Procedure (Amendment) Act, 1949.	The whole.
1949	XXXIII	The Rubber (Production and Marketing) Amendment Act, 1949.	The whole.
1949	XXXIV	The Coffee Market Expansion (Amendment) Act, 1949.	The whole.
1949	XXXV	The Indian Succession (Amendment) Act, 1949.	The whole.
1949	XXXVI	The Indian Passport (Amendment) Act, 1949.	The whole.
1949	XXXVII	The Registration of Foreigners (Amendment) Act, 1949.	The whole.

Year	No.	Short title	Extent of repeal
1	2	3	4
		<i>Acts of the Dominion Legislature—concluded</i>	
1949	XXXVIII	The Chartered Accountants Act, 1949 .	Section 33
1949	XXXIX	The Cinematograph (Amendment) Act, 1949.	The whole.
1949	XL	The Repealing and Amending Act, 1949	The whole.
1949	XLI	The Child Marriage Restraint (Amendment) Act, 1949.	The whole.
1949	XLII	The Indian Penal Code and the Code of Criminal Procedure (Amendment) Act, 1949	The whole.
1949	XLIII	The Indian Tariff (Second Amendment) Act, 1949	The whole.
1949	XLIV	The Reserve Bank of India (Amendment) Act, 1949.	The whole.
1949	XLV	The Industrial Finance Corporation (Amendment) Act, 1949	The whole.
1949	XLVII	The Indian Arms (Amendment) Act, 1949	The whole.
1949	XLIX	The Essential Supplies (Temporary Powers) Second Amendment Act, 1949.	The whole
1949	L	The Rubber (Production and Marketing) Amendment Act 1949	The whole.
1949	LII	The Merchant Shipping and Lighthouse (Amendment) Act, 1949	The whole.
1949	LIV	The Industrial Disputes (Banking and Insurance Companies) Act, 1949.	Section 3.
1949	LVI	The Indian Railways (Amendment) Act, 1949.	The whole.
1949	LVII	The Electricity (Supply) Amendment Act, 1949.	The whole.
1949	LVIII	The Inland Steam-vessels (Amendment) Act, 1949	The whole
1949	LXIII	The Imports and Exports (Control) Amendment Act, 1949.	The whole.
		<i>Ordinance made by the Governor-General</i>	
1945	XLVII	The International Monetary Fund and Bank Ordinance, 1945.	Section 6.

THE SECOND SCHEDULE

AMENDMENTS

(See section 3)

Year	No.	Short title	Amendments
1	2	3	4
<i>Acts of the Governor-General of India in Council</i>			
1860	XLV	The Indian Penal Code.	In section 42, the words "the territories comprised in" shall be omitted.
1872	III	The Special Marriage Act, 1872.	In clause (2) of section 2 and item 3 of the 'Declaration to be made by the Bride' in the Second Schedule, for the word "fourteen" the word "fifteen" shall be substituted.
1872	XV	The Indian Christian Marriage Act, 1872.	In section 60, in condition No. (1), for the words "shall exceed sixteen years" and "shall exceed thirteen years" the words "shall not be under eighteen years" and "shall not be under fifteen years" shall respectively be substituted.
			In section 81,—
			(i) the words and figures "and the officers appointed under section 56" shall be omitted, and
			(ii) for the words "them respectively", wherever they occur, the word "him" shall be substituted.
1882	IV	The Transfer of Property Act, 1882.	In section 69, the words and figures "Notwithstanding anything contained in the Trustees' and Mortgagees' Powers Act, 1866" shall be omitted.
1890	IX	The Indian Railways Act, 1890.	In sub-section (1) of section 47, for the words beginning with "Every railway company" and ending with "for the following purposes, namely" the following words shall be substituted, namely :— "Every railway company and in the case of a railway administered by the Government, an officer to be appointed by the Central Government in this behalf shall make general rules consistent with this Act for the following purposes, namely".
1898	IX	The Live-stock Importation Act, 1898.	In sub-section (1) of section 3, for the words and letters "the territories for the time being comprised within Part A States and Part C States" the words "the territories to which this Act extends" shall be substituted.
1911	II	The Indian Patents and Designs Act, 1911.	(i) In clause (7) of section 2, the words "with reference to any area" shall be omitted.

Year	No.	Short title	Amendments
1	2	3	4
<i>Acts of the Governor-General of India in Council—contd.</i>			
1913	III	The Administrator General's Act, 1913.	<p>(ii) In sub-section (2) of section 23F, the words "and accompanied by the prescribed fee" shall be omitted.</p> <p>(i) In sections 15 and 16, after the figures "1893" the word "or" shall be inserted.</p> <p>(ii) For section 17 the following section shall be substituted, namely:—</p> <p>"17. Power to grant Administrator General letters limited to purpose of dealing with assets in accordance with the Regimental Debts Act, 1893, or the Army and Air Force (Disposal of Private Property) Act, 1950.—If the Administrator General applies in accordance with the provisions of the Regimental Debts Act, 1893, or the Army and Air Force (Disposal of Private Property) Act, 1950, for letters of administration of the estate of any person subject to the Army Act or the Air Force Act or the Army Act, 1950 (XLVI of 1950), or the Air Force Act, 1950 (XLV of 1950), the court may grant to him letters of administration limited to the purpose of dealing with such estate in accordance with the provisions of the Regimental Debts Act, 1893, or, as the case may be, the Army and Air Force (Disposal of Private Property) Act, 1950 (XL of 1950)."</p>
1922	VIII	The Delhi University Act, 1922.	<p>In sub-section (f) of section 29, for the word "Statutes" the word "Statute" shall be substituted.</p>
1922	XIII	The Ranchi Mental Hospital Act, 1922.	<p>In sub-section (1) of section 4, for clauses (e) and (f) the following clauses shall be substituted, namely :—</p> <p>"(c) one Trustee elected by the association registered under the Indian Companies Act, 1913 (VII of 1913) by the name of the United Kingdom Citizens' Association ; and</p> <p>(d) one Trustee elected by the association registered under the Indian Companies Act, 1913 (VII of 1913) by the name of the All India Anglo-Indian Association ;"</p>

Year 1	No. 2	Short title 3	Amendments 4
<i>Acts of the Indian Legislature</i>			
1923	V	The Indian Boilers Act, 1923.	In clause (4) of sub-section (2) of section 27A, for the words "Chief Commissioner of Railways" the words "Chairman, Railway Board" shall be substituted.
1923	XIV	The Indian Cotton Cess Act, 1923.	In item (i) of section 4 and in sub-section (2) of section 5, for the word "Vice-Chairman" the word "Vice-President" shall be substituted.
1925	XXXIX	The Indian Succession Act, 1925.	(i) In section 318, the words "of India" shall be omitted. (ii) In section 380, in the first paragraph the word "all" and in the last paragraph the words "of India" shall be omitted. (iii) In column 2 of the first table under the heading "Debts" in Schedule VIII, for the word "Number" the word "Name" shall be substituted.
1939	IV	The Motor Vehicles Act, 1939.	In clause (g) of sub-section (1) of section 108, for the words "Superintendent of Insurance", in both the places where they occur, the words "Controller of Insurance" shall be substituted.
1940	V	The Trade Marks Act, 1940.	In sub-section (2) of section 84, clause (2) shall be omitted.
1944	I	The Central Excises and Salt Act, 1944.	In column 3 of item 5 of the First Schedule, the words, figures and brackets "For the year ending the 31st day of March, 1944, the rate fixed by section 2 of the Indian Finance Act, 1943, read with section 5 of the Indian Finance (Supplementary and Extending) Act, 1931 and thereafter" shall be omitted.
<i>Acts of Parliament</i>			
1950	XXIX	The Transfer of Prisoners Act, 1950.	In clause (b) of section 2, for the words "Chief Commissioner" the words "Lieutenant Governor or, as the case may be, the Chief Commissioner" shall be substituted.
1950	XXX	The Part C States (Laws) Act, 1950.	In section 2, the following words shall be omitted, namely:— "and, provision may be made in any enactment so extended for the repeal or amendment of any corresponding law (other than a Central Act) which is for the time being applicable to that Part C State."

Year	No.	Short title	Amendments
1	2	3	4
<i>Acts of Parliament—contd.</i>			
1950	XXXI	The Administration of Evacuee Property Act, 1950.	In clause (g) of sub-section (2) of section 53, for the word and figures "section 38" the word and figures "section 40" shall be substituted.
1950	LXXII	The Essential Supplies (Temporary Powers) Amendment Act, 1950.	In section 1, after the words and brackets "(Temporary Powers)" the word "Second" shall be inserted.
1951	III	The Part B States (Laws) Act, 1951.	(i) In section 6, for the words "the Act" the words "this Act" shall be substituted. (ii) Under the heading "The Indian Christian Marriage Act, 1872" for the direction "For the definition of 'India' substitute", the direction "After the definition of 'church', insert the following definition" shall be substituted. (iii) The entry relating to the Displaced Persons (Legal Proceedings) Act, 1949 (XXV of 1949) shall be omitted.
1951	XXXV	The Port Trusts and Ports (Amendment) Act, 1951.	In section 83, after the figures "117" the figures "119" shall be inserted.
1951	LVI	The Press (Objectionable Matter) Act, 1951.	In the Second Schedule— (i) In item 12, for the words "The Travancore-Cochin Safety Measures Act" the words "The Travancore-Cochin Public Safety Measures Act" shall be substituted. (ii) After item 13, the following item shall be inserted, namely— " 14. The Hyderabad Public Security Measures Act, 1951 (XXIX of 1951)".
1951	LXIII	The State Financial Corporations Act, 1951.	In the second proviso to section 43, for the word "its" the word "his" shall be substituted.
1952	IX	The Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952.	In item (ii) of section 2, after the word, figure and brackets "paragraph (6)" the words and figures "of article 13" shall be inserted.
<i>Ordinance made by the Governor-General</i>			
1945	XLVII	The International Monetary Fund and Bank Ordinance, 1945.	In section 3, the word "British" shall be omitted.

Year 1	No. 2	Short title 3	Amendments 4
<i>Act of the Governor of Bombay in Council</i>			
1879	VI	The Bombay Port Trust Act, 1879.	In section 43, for the words "Great Indian Peninsula and the Bombay, Baroda and Central India Railway Companies" the words "Central Railway and the Western Railway" shall be substituted.

THE INDIAN TEA CONTROL (AMENDMENT) ACT, 1952

No. XLIX OF 1952

[2nd August, 1952]

An Act further to amend the Indian Tea Control Act, 1938

Enacted by Parliament as follows:—

1. Short title.—This Act may be called the Indian Tea Control (Amendment) Act, 1952.

2. Amendment of section 3, Act VIII of 1938.—In section 3 of the Indian Tea Control Act, 1938 (hereinafter referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Members nominated or elected under sub-section (1) shall hold office for such period as may be prescribed.”

3. Amendment of section 10, Act VIII of 1938.—In section 10 of the principal Act, in clause (h), after the word ‘regulating’ the words ‘the term of office of nominated or elected members of the Committee and’ shall be inserted.

4. Substitution of new section for section 26, Act VIII of 1938.—For section 26 of the principal Act, the following section shall be substituted, namely:—

“26. *Method of control of extension of tea cultivation.*—(1) So long as this Act remains in force, no one shall plant tea in any land which was not planted with tea on the 31st day of March, 1950, unless permission has been granted to him in writing by or on behalf of the Committee, and such permission was in force on the date aforesaid or was granted after that date.

(2) The provisions of sub-section (1) shall also apply to the replacing of tea areas by planting tea on area not planted with tea to the same extent but not exceeding two per cent. in each year of the total permissible acreage of the tea estate as on the 31st day of March, 1950, subject to such replacements being accompanied by simultaneous uprooting of the tea bushes in the area so replaced.

(3) Nothing in this section shall prohibit or be deemed to prohibit the infilling or supplying of vacancies on land planted with tea on the 31st day of March, 1950, or the replanting of tea upon—

(i) land planted with tea on the 31st day of March, 1950, from which the original bushes have been uprooted, or

(ii) land planted with tea on the 31st day of March, 1948, from which the original bushes have been uprooted."

THE RUBBER (PRODUCTION AND MARKETING) AMENDMENT ACT, 1952

No. L of 1952

[2nd August, 1952]

An Act further to amend the Rubber (Production and Marketing) Act, 1947

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Rubber (Production and Marketing) Amendment Act, 1952

2. Amendment of section 4, Act XXIV of 1947.—For clause (c) of sub-section (3) of section 4 of the Rubber (Production and Marketing) Act, 1947, the following clause shall be substituted, namely:—

“(c) two members to be nominated by the Government of Madras, one of whom shall be an official and the other a non-official;”.

K. Y. BHANDARKAR,

Secretary.

